

Petitioner has also filed an applications for leave to proceed in forma pauperis on appeal. *See* Fed. R. App. P. 24(a). Title 28 U.S.C. 1915(a)(3) provides that an appeal may not be taken in forma pauperis if the district court certifies that it is taken in bad faith. Although Petitioner did not show that reasonable jurists would disagree on the merits of his petition so as to warrant issuance of a certificate of appealability, the Court does not find that the appeal is taken in bad faith. Accordingly, the motion to proceed in forma

1 pauperis on appeal is GRANTED.

2 The Clerk of Court shall forward this order, along with the case file, to the United  
3 States Court of Appeals for the Ninth Circuit. Petitioner may also seek a certificate of  
4 appealability from that court. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir.  
5 1997).

6 IT IS SO ORDERED.

2/5/2007

7 DATED: \_\_\_\_\_

8   
JEFFREY S. WHITE  
9 United States District Judge